

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6542**

**BILL NUMBER:** SB 203

**NOTE PREPARED:** Dec 18, 2009

**BILL AMENDED:**

**SUBJECT:** Annual Review of Unpaid Restitution Orders.

**FIRST AUTHOR:** Sen. Mrvan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires a governmental entity that is the beneficiary of a criminal or juvenile restitution order issued by a state or federal court to annually file a payment status report with the court and with the State Board of Accounts. The payment status report must include information on the status of the restitution order, including, if applicable, information concerning any arrearage.
- B. It requires the State Board of Accounts to review the status of a restitution order if it conducts an audit of a governmental entity that is the beneficiary of a restitution order.
- C. It grants the issuing court authority to facilitate enforcement of the restitution order.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** This bill is expected to have minimal expenditures for state agencies. Depending on the number of restitution orders that a court issues, the added staff time to compile this information in a list should be minimal. Presumably, the state agency will have all court orders compiled in organized reports so that the State Board of Accounts can review reports of beneficiary entities during audits. Depending on the state agency, the State Board of Accounts bill all direct and indirect costs of the audit to the agency.

**Explanation of State Revenues:** There is no published data on how many restitution orders remain unpaid. Revenues for governmental entities who are the beneficiary of unpaid restitution orders could increase if courts will have additional authority to enforce restitution orders.

**Explanation of Local Expenditures:** Local entities that are beneficiaries of criminal or juvenile restitution orders would have to produce reports on the payment status of the restitution order and file a copy with the court and State Board of Accounts. By statute, the State Board of Accounts charges \$45 per day per examiner to perform the audits (IC 5-11-4-3).

**Explanation of Local Revenues:** If a court has more authority to enforce restitution orders, a local entity with unpaid restitution orders may recover damages from otherwise unpaid restitution orders.

**Background Information:** Under current law, a court can order a person who is on probation to pay restitution to a victim of a crime that was conducted by the person on probation. The money paid by the person can be either paid to the Indiana Criminal Justice Institute (ICJI) or to the clerk of the circuit court.

The following table shows restitution collected from persons on probation to be forwarded to aggrieved parties between CY 2004 and 2008. The amount collected increased by an average of 9% over this five-year period. This restitution was paid by all adults and juveniles to all recipients, including victims, businesses, and governmental agencies.

Restitution (In Millions) Collected From Offenders on Probation				
By Calendar Year				
2004	2005	2006	2007	2008
\$6.85	\$7.67	\$6.85	\$8.20	\$9.44

**State Agencies Affected:** State Board of Accounts; ICJI.

**Local Agencies Affected:** Trial Courts, Probation Offices, Clerk of the Circuit Courts.

**Information Sources:** 2008 Indiana Probation Report; IC 5-11-4-3; IC 5-11-4-3.6.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.